Government of
Newfoundland and Labrador

DEPARTMENT OF JUSTICE

2003-04 Annual Report

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Message from the Minister of Justice

I am pleased to present the 2003/04 Department of Justice Annual Report. Assuming the dual responsibility of Minister of Justice and Attorney General in mid-2003/04 has brought to my attention the challenges, complexities and potential of the Department of Justice.

The Department operates in a rapidly changing environment. Legislative changes, technological developments and the shifts in our communities mean that Justice services and personnel must continue to be poised to intervene in new ways. The Justice mandate embraces direct services across a wide spectrum; including, Policing, Prosecutions, the Law Courts, Corrections, Legal Aid, Human Rights, Victim Services and Support Enforcement. Each of these services has a direct impact on the citizens of our province.

We are making significant contributions in Newfoundland and Labrador and learning valuable lessons along the way. I am committed to continuing both under my stewardship so that the citizens of this province will receive the best possible level of Justice services.

Thomas W. Marshall, Q.C.
Minister of Justice and
Attorney General

The Department of Justice

Our Vision

A justice system that is accessible and understood, and which plays a key role in creating a fair, equitable and safe society where all people can pursue their lawful rights and freedoms

Our Mission

To provide superior public services in the effective and impartial administration of justice through co-ordination and collaboration

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2003-04 at a Glance.....

- Construction began on new Supreme Court facility and improvements were completed to Provincial Court in Happy Valley-Goose Bay.

- 2567 offenders were admitted to community supervision and 690 Pre-sentence Reports were requested.

- The introduction of the *Youth Criminal Justice Act* saw a decrease of nearly 50% in remand and sentenced custody admissions from the previous year. Related staff decreases occurred.

- There were 1195 admissions to adult correctional facilities with 71% of these in the Labrador and Avalon regions.

- Victim Services activated 3094 new referrals, registered 662 Victim Impact Statements and managed an average monthly caseload of 1598 cases.

- New policing resources were announced for the RNC and the RCMP and planning began for a police training program at Memorial University for new police recruits.

- The Civil Division provided 51,265 hours of legal services to Government and its agencies. At the individual solicitor level, this exceeded federal performance targets.

- The Sheriff's Office safely escorted more than 4000 persons in its custody (12% increase); served 7033 documents; and issued 12,332 jury summonses.

- In assisting families and enforcing court ordered family support, Support Enforcement increased its collections and disbursements to almost $22 million. This represented an increase of approximately $2 million from the previous year.

- Accessed $141,657.00 in training funds through the Organizational Development Initiative.

- Declared Police and Peace Officers' Memorial Day as the last Sunday in September annually.

- Evaluation of Victim Services showed high levels of client and stakeholder satisfaction.

- Contributed $662,000 toward a 10-year committment to upgrade RCMP radio communications for its Avalon phase.

- Secured $1.3 million in federal funding for the Aboriginal Justice Program, the Mental Health Legal Aid Initiative, French Speaking Legal Services and Brydges Duty Counsel.

Overview

Newfoundland and Labrador remains one of the safest provinces to live in Canada. Part of this reality reflects the society, culture, economy, population and geography of the province. But part of this reality is also a reflection of the contributions of the province's justice system.

Justice services in Newfoundland and Labrador truly reflect an interconnected system. In meeting its mandate, each area of service is often highly reliant on other sectors meeting their responsibilities. There are often clearly defined processes which must be met to ensure public protection and citizens' rights.

In 2003-04, the Department of Justice continued to operate as one of the largest line departments in the Government of Newfoundland and Labrador. With approximately 1400 direct staff, the Department delivered services through more than 50 locations on the Island and in Labrador. The range of services were delivered by a diverse workforce with backgrounds including law, policing, social work, criminology, psychology, information technology, security, financial management, administration, nursing and education.

The mandate of the Department of Justice reflects the dual responsibilities of its Minister as both Minister of Justice and the Attorney General. While other Canadian jurisdictions use separate ministries, the structure is consolidated in Newfoundland and Labrador. The Ministry of Justice includes responsibility for administering the province's legal system. The principal components include the Courts, policing, corrections and youth justice services (secure). Reflecting the role and authority of the Attorney General, the Department of Justice provides legal services to the Crown including legal advice to departments, litigation, prosecutorial and legislative drafting services.

In 2003-04, the actual expenditures for the Department of Justice totalled $141,686,110. Related revenue for the year totalled $9,367,703 while current account revenues amounted to $6,177,000.

Lines of Business

In fulfilling its mandate, the Department of Justice operates in several overall broad capacities:

- a central agency of government
- a direct provider of critical and diverse public services
- an administrator of major societal institutions.

The Department of Justice responsibilities and activities are divided among the following main lines of business:

- ***Legislative Counsel*** is responsible for the review and drafting of legislation and statutes and for conducting reviews of government regulations as required.

- ***Policing Services*** is responsible for fostering and maintaining peaceful and safe communities through a variety of policing responses.

- ***Court Services*** is responsible for providing infrastructure and administrative support to the Supreme and Provincial Courts.

- ***Corrections and Community Services*** is responsible for the safe and secure custody of young and adult offenders; for providing adult community corrections (probation); and for providing services to victims of crime.

- ***Criminal Law*** is responsible for prosecuting all Criminal Code and provincial statute matters in the province.

- ***Civil Law*** is responsible for providing legal services to Government and its agencies.

The Department of Justice also provides funding to the Legal Aid Commission, the Human Rights Commission, the Royal Newfoundland Constabulary Public Complaints Commission, and the Office of the Chief Medical Examiner. The Public Utilities Board also reports to the House of Assembly through the Minister of Justice.

Our Progress and Accomplishments

2003-04 represented the second year of the Department of Justice Strategic Plan. There was significant effort and accomplishment related to the four strategic priorities.

Strategic Priority 1: Build a department that is a high performance organization fostered by a supportive culture.

This strategic priority is two-fold. It speaks to the commitment of superior services in mandated areas which will be supported by a concurrent commitment to a supportive environment.

In enhancing its front line response to the public, Government announced its commitment to **increasing policing resources**. 75 new RNC officers will be hired over three years and additional RCMP personnel will be funded in Labrador. The department allocated $662,000 to revamp the RCMP's outdated radio telecommunications system in recognizing that an effective police radio system can be a lifeline for both officers and the public. This contribution was part of a 10-year committment for improving the RCMP radio system for the Avalon phase of this initiative.

Various **quality assurance** processes were used in different sectors of the Department to promote accountability and ensure professional standards. The RCMP used managerial reviews and corporate surveys as part of its standard requirements. Victim Services and Probations each used a system of annual file audits to ensure appropriate services were delivered, policies were adhered to and active case planning was used. The RNC began developing a new performance evaluation system for police personnel. This work has also led to the development of a Coach Officer Training Program for new recruits. This began with nine new recruits in September, 2003. The Crown conducted annual job reviews with all prosecutors individually. Additionally a new Crown electronic database allowed for prosecutors' work loads and schedules to be monitored. The Crown and some other divisions also used peer consultations within their units for planning approaches with more complex cases.

Victim Services, in partnership with the Violence Prevention Initiative, contracted for an independent **evaluation** of the Victim Services Program. The findings were very positive and indicated a high level of satisfaction among clients and stakeholders alike. 92% of respondents indicated their experiences with Victim Services were positive, and the vast majority indicated they would highly recommend Victim Services to others. Most recommendations for change were accepted.

Respectful workplace initiatives occurred in various settings throughout the department. The Public Service Commission and Treasury Board co-presented workshops to several hundred employees on government's harassment policy.

At the Newfoundland and Labrador Youth Centre, staff training and program development in this area resulted in an active process of problem identification and related interventions. Of the 25 cases identified to the Respectful Workplace Program, 14 were resolved internally and the remainder were referred for external intervention, including the union, Human Rights and the Employee Assistance Program.

The RNC began developing a Respectful Workplace Program to foster a healthier and more inclusive environment. With representative staff as well as external agencies, a program proposal was developed by year end which focused on training, employee input and access (driven by the RNC's internal Core Values Survey), early intervention and access to resources for appropriate interventions. Other sectors which conducted workshops to enhance staff knowledge included Community Corrections, Courts and the Sheriff's office.

Many sectors in Justice involve a considerable safety risk to staff who work to keep our communities safe. In **recognition and honour** of those who made the ultimate sacrifice in service, Police and Peace Officers' Memorial Day was officially proclaimed for the last Sunday in September annually.

On a broader level the need for employee recognition was promoted among senior managers. Many attended an in-house workshop on this topic. Materials were distributed which can be used in their recognition efforts.

Ongoing **staff training** and professional development is critical in maintaining standards and enhancing performance. Constant legal developments, technological advancements and certification requirements demand an ongoing and proactive training approach. Through centralized training funding in Human Resources, divisions accessed $141,656 in the Organizational Development Initiative (ODI) funding. Of this amount, 41 staff availed of $10,861 in tuition reimbursement. The majority of these courses were university level. This funding source helped divisions with their mandatory and non-mandatory training related costs.

Other training related results included increasing staff certification levels in designated areas so the Department's capacity to deliver its own in-house training programs was enhanced. With large numbers of staff and many mandatory training areas, this approach significantly improved training capacity and cost-efficiencies. Examples of such training included Violence Awareness and First Aid.

In an effort to plan for potentially large numbers of retirements in the near future, Human Resource staff were trained in succession planning models. Subsequent to these information sessions and workshops, senior management job descriptions were updated and posted on the departmental intranet to promote knowledge and access among employees. Related to this was the updating of the Employee Exchange Program to promote opportunities for skill and knowledge development. This information was also posted on the intranet.

Through the collaboration of the IT and Human Resources Divisions, work began on modifying the training database. This will improve its ability to assist with planning, accountability and meeting legal requirements related to training. As examples, the Department can clearly state it was in full legislative compliance with 665 certified staff in First Aid and 16 people trained under requirements for Occupational Health and Safety. Numerous other specialized training programs were offered throughout the year.

Strategic Priority 2: Develop an informed understanding of the department's positive role in the community.

The Department of Justice is committed to enhancing public awareness of justice services and issues. Justice is part of a critical public infrastructure that ensures stability and fairness in our society. Promoting a better understanding of the contributions of the Department of Justice yielded several results.

Early in the fiscal year, the "**Working@Justice**" project was launched on the public website. This profiled exemplary employees, their work and the various communities in which they provide services to the public. While it clearly identifies model employees, it also enhances public knowledge about the work of Justice and the environments in which the Department operates.

The Department's previous year's efforts at improving **electronic communications** and information through revamping its general website yielded results immediately. To illustrate this point, in 2001-02, there were 33,973 hits on the department's website. In 2003-04, this increased by almost 20,000 to 53,491 hits. Some of this involved general information while other requests involved downloading publications. Within Justice, the Office of the Legislative Counsel maintained Government's statutes and regulations website. In 2003-04, enhanced linkages were created. In this year, the site continued to be one of the most frequently visited of all Government websites with more than 2,000,000 page requests. Throughout the year, users from within Government and in the general public used the website as one of their principal forms of access to the Province's statutes and regulations. This demonstrates significant volumes of activity and indicates ongoing efforts are required to improve electronic access and therefore public response.

A knowledgeable staff can best serve and share their knowledge with the public. With this assumption, **site tours** for Justice staff were organized at the RNC Headquarters and at the Newfoundland and Labrador Youth Centre in Whitbourne. There was high demand and interest in the five tours. Subsequent surveys of participants indicated this was a very worthwhile learning experience and a good opportunity for staff to broaden their understanding of other Justice services.

The RCMP's and RNC's philosophy of **community-based policing** has been extremely valuable in enhancing community awareness and responsibility and for fostering a more positive police role. Active partnerships between police and communities built stronger foundations of commitment. In this type of approach, police and communities worked side by side to define problems and locally relevant solutions. Literally thousands of citizens were more actively engaged in a partnership and

focused on the safety and well being of their communities through the Crime Prevention Association, community coalitions against violence, safe school programs, seniors programs and other programs which focused on disadvantaged and marginalized groups.

Finally, the Department developed and distributed a provincial map showing the locations of Justice services in Newfoundland and Labrador. This is an ongoing resource both internally and externally. Electronic versions as well as laminated posters were produced.

Strategic Priority 3: Construct an integrated approach to the administration of justice.

Coordination, collaboration and partnership are all central components of an integrated approach to justice. Justice was instrumental in building new and strengthening existing relationships locally, provincially and nationally to support a more integrated, informed and streamlined approach.

The Department of Justice was one of the principal partners in the **Oxycontin Task Force** along with the Departments of Education and Health and Community Services. The seriousness of the issue, the interconnectedness within departments having responsibilities on the issue and the need for an efficient and effective response required immediate collaboration. The Task Force was established in December, 2003 to make recommendations on a comprehensive strategy for managing Oxycontin abuse and that of other related narcotics. An interim report was released in February, 2004 identifying short term and immediate actions. At fiscal year end, work was underway to produce the final report of recommendations.

Youth justice services was a focus for ongoing collaborative efforts. A multi-sectoral approach to program and policy development was used for the Pre-Trial Services Program. This involved active participation among the Crown, defence, police, Health and Community Services, community agencies, Youth Court, Newfoundland and Labrador Youth Centre and the Sheriff's Office. Youth Corrections (secure) was also heavily involved in planning and implementing Government's Model for Coordination of Services to Children and Youth. Youth Justice and Health and Community Services also cooperatively developed their policy manuals in response to changes required as a result of the *Youth Criminal Justice Act*.

The Department of Justice was active on a **federal-provincial-territorial** level in public policy and legal issues. Representation on federal-provincial-territorial working groups such as the Victims Working Group, the Sentencing Working Group, the Working Group on Community Safety and Crime Prevention, the Wrongful Conviction Working Group, the Legal Aid Working Group and the Heads of Prosecutions Working Group (among others) enabled this province to remain abreast of federal legislative and related program developments, identify areas for proposed changes and to share best practice information among jurisdictions.

The ongoing use of **Joint Forces Operations** (JFOs) among both police forces in 2003-04 offered a clear example of the practical value of integrated efforts. Essentially in a JFO both forces share

resources toward a common goal and maximize the combined value of those resources and the responses available. Some of these teams included Proceeds of Crime Unit, Criminal Intelligence Service Newfoundland and Labrador (CISN), Drug Team, Crime Stoppers and Violent Crime Linkage Analysis System (ViCLAS). Examples of tangible results included the dismantling of a significant organized crime operation in the province and a drug operation which resulted in the seizure of $700,000 cash.

Increased efforts occurred in 2003-04 to **integrate training** efforts where the same or similar training was required in various sectors. Uniformed services provided a good opportunity to promote such integration. One measure of successful implementation involved shared training seats in the RNC's "Use of Force" training course. Seats were made available to the Sheriff's Office and the Newfoundland and Labrador Youth Centre to develop their own trainers in this area. Such efforts resulted in increased future training capacity and efficiencies. The sharing of resources and personnel will continue in the future. Past practice focused on independently planning specialized training within divisions.

Strategic Priority 4: Initiate innovative and alternative approaches to service delivery.

In breaking with the past practice of selecting police recruits from training programs outside this province, planning for a **new training partnership** was begun with Memorial University. The establishment of the new Police Studies Program for entrants in Fall 2004 will combine university coursework with practical training to meet immediate and longer term recruitment needs of the Royal Newfoundland Constabulary. A targeted recruitment initiative was announced which will seek to increase numbers of female candidates, thereby building a more representative police force. The new training approach will provide enhanced access, affordability and training. This initiative supports Government's commitment to hire 25 new RNC officers in each of the next three years.

The Department of Justice recognizes the value of **cultural relevance and sensitivity** in delivering services in aboriginal communities and with aboriginal populations. Victim Services embarked on a recruitment effort to enhance the number of trained Victim Services Assistants in communities on the north coast of Labrador. Probation began preliminary discussions with Miawpukek First Nation Justice Department regarding some Band involvement with the delivery of community corrections in the Conne River area.

While the Department moved closer to consultations on a restorative justice policy framework, the RCMP offered **alternative justice approaches** through Community Justice Forums. A total of 46 forums were held in Labrador, Conne River and Harbour Grace. Generally, these were held for less serious cases and offered the victim, offender and their supporters an opportunity to discuss the offence and to find a solution. Results and satisfaction have been encouraging and long-term study and analysis will be required for such approaches.

In an effort to enhance efficiency within the system as well as improve convenience for participants in justice processes, **videoconferencing** was piloted in select cases in Labrador. This allowed police, witnesses and the accused to appear via videoconference rather than appearing personally in court for less serious matters. Travel and time costs can be high for all involved in the traditional approaches. This demonstrates the system's willingness to explore the potential for technology in improving the delivery of justice services in Newfoundland and Labrador.

The Province entered into a three-year agreement with the federal government and secured $1.3 million to fund unmet legal aid needs through new and innovative programming. Initiatives which will be funded through this funding include:

- **Aboriginal Justice Program in Happy Valley-Goose Bay.** This program will assist aboriginal people who interact with the criminal justice system. The office will also be a resource/training centre for lawyers representing aboriginal persons in criminal matters.

- **Mental Health Initiative.** Legal aid will partner with the Canadian Mental Health Association to implement programs to improve legal services to individuals with mental health problems.

- **French Speaking Legal Services.** This bilingual service will assist with trials in French language and improve legal services to French-speaking citizens and visitors.

- **Brydges Duty Counsel.** This will ensure there is immediate access to legal advice at the early stages of the criminal justice system.

  Administrative improvements will also be supported and will range from additional staff to software purchases.

Future Opportunities

Developing a police recruit training program with Memorial University will offer numerous opportunities. It will improve access and affordability for such training for Newfoundlanders and Labradorians. It will raise the training/educational standards for entry-level recruits. It will offer locally relevant education and practical training so that new recruits are better prepared for the policing environment in this province. Last, but not least, it will help the RNC implement Government's committment to hire new officers, rebuild its staffing complement and plan and implement a succession plan. All of these factors will contribute to enhanced safety and protection for people in Newfoundland and Labrador.

While public commissions of inquiry are difficult processes for immediate participants as well as for the public, they are often necessary avenues for exploring unanswered questions and defining issues of accountability. At year end, the Luther Inquiry into the Sudden Deaths of Norman Reid and Darryl Power presented its Final Report of Findings and Recommendations in December, 2003. The proceedings of the Lamer Commission of Inquiry continued to look into the administration of justice in this province. Both inquiries will present opportunities for review and change in Newfoundland and Labrador.

The Victim Services Program Evaluation identified a high level of client and stakeholder satisfaction with the services and staff. The report also identified recommendations for future follow-up. This is extremely valuable information in validating existing services and approaches. It also acts as a tool for planning future service improvements. Several such initiatives have already been launched and are based on client feedback as well as the input of internal and external stakeholders in the justice system. Such targeted evaluation results offer incredible opportunities for program developments and improvements which are informed, relevant and practical.

Future Challenges

The growing legal and technical complexity of cases will continue to present challenges for the Department of Justice. This complexity, whether in criminal or civil cases, easily translates into resource issues. Justice resources have not advanced on par with legal and technological developments. Therefore, concern over service excellence within a changing environment as well as daily workload management and future liabilities is a recurring theme within the justice environment.

Electronic information and resources hold much potential for improved efficiency and effectiveness in areas such as public accessibility and staff development. However the challenges revolve around IT systems issues such as pricing contracts and access, training and support. While there is a commitment to pursue the opportunities presented in the information technology age, they are neither quick nor inexpensive solutions.

Secure custody admissions for youth are decreasing significantly. Secure custody admissions for adults are dispersed among one large facility and six smaller correctional institutions. There will be a growing challenge to provide effective programming and other appropriate interventions with these existing scenarios.

The Department of Justice faces challenges in both the nature of the work and services delivered, as well as the environment in which it operates. This is the ongoing reality. Accepting the reality means that there is a commitment to advancing a vision for justice which is both grounded in reality and conscious of the possibilities for future improvement and development.

DEPARTMENT OF JUSTICE
STATEMENT OF EXPENDITURE AND RELATED REVENUE
FOR THE YEAR ENDED 31 MARCH 2004 (Unaudited)

		ESTIMATES	
	ACTUAL	AMENDED	ORIGINAL
1.1.01. Minister's Office	283,538	285,800	281,700
1.2.01. Executive Support	779,615	781,100	720,400
1.2.02. Administrative Support	2,941,331	2,970,900	2,730,200
Less Related Revenue	(333,936)	(240,000)	(240,000)
1.2.03. Legal Information Management	767,493	769,600	764,800
Less Related Revenue	(30,063)	(29,000)	(29,000)
1.3.01. Fines Administration	826,668	834,500	875,900
Less Related Revenue	(855,662)	(700,000)	(700,000)
2.1.01. Civil Law	6,678,693	6,700,800	8,830,100
Less Related Revenue	(1,500)	0	0
2.1.02. Sheriff's Office	2,255,881	2,273,200	2,196,500
2.1.03. Support Enforcement	1,249,311	1,260,600	1,296,600
Less Related Revenue	0	(475,600)	(475,600)
2.1.04. Freedom of Information	134,230	142,100	105,000
2.2.01. Criminal Law	4,213,872	4,245,000	4,309,800
2.3.01. Legal Aid and Related Services	7,313,700	7,313,700	7,038,500
Less Related Revenue	(1,734,014)	(1,938,600)	(1,938,600)
2.3.02. Commissions of Inquiry	2,795,051	2,803,000	2,201,000
2.3.03. Office of the Chief Medical Examiner	499,820	507,200	458,300
2.3.04. Human Rights	366,817	388,000	362,900
2.3.05. Electoral Districts Boundaries Commission	110,847	118,000	0
2.4.01. Legislative Counsel	422,088	423,800	417,700
3.1.01. Supreme Court	3,953,606	3,964,500	3,684,400
Less Related Revenue	(294,385)	(287,600)	(287,600)
3.1.02. Supreme Court Facilities (Capital)	188,714	1,000,000	0
3.2.01. Provincial Court	9,512,104	9,546,700	7,096,900
Less Related Revenue	(3,881)	0	0
4.1.01. Royal Newfoundland Constabulary	25,068,158	25,160,400	24,878,600
Less Related Revenue	(375,037)	(381,000)	(381,000)
4.1.02. Royal Canadian Mounted Police	40,798,070	40,821,600	41,252,400
4.1.03. Public Complaints Commission	289,483	291,500	192,800
4.2.01. Adult Corrections	23,427,371	23,544,100	23,301,700
Less Related Revenue	(2,880,347)	(3,778,500)	(3,778,500)
4.2.02. Youth Secure Custody	6,809,649	6,883,400	6,915,700
Less Related Revenue	(2,858,878)	(2,773,400)	(2,773,400)
Total Expenditures - Department of Justice	141,686,110	143,029,500	139,911,900
Total Related Revenue	(9,367,703)	(10,603,700)	(10,603,700)
Public Accounts 2003 - 2004 Net	**132,318,407**	**132,425,800**	**129,308,200**

Other Justice-Related Annual Reports

Organization/Sector	*Contact Information*
Human Rights Commission	(709) 729-4184
Corrections and Community Services	(709) 729-3880
Victim Services	(709) 729–0900
Provincial Court	(709) 729-2081
RCMP	(709) 729-4790
Royal Newfoundland Constabulary	(709) 729-8291
RNC Public Complaints Commission	(709) 729-0950
Legal Aid Commission	(709) 753-7860